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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,133	02/18/2004	Benoit Barabe	50037.220US01	5200
27488 7590 09/18/2007 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER ABDUL-ALI, OMAR R	
			ART UNIT 2178	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,133

Applicant(s)

BARABE ET AL.

Examiner

Omar Abdul-Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

The following action is in response to the response filed July 2, 2007. Amended claims 1-18 are pending and have been considered below.

1. Examiner's Note: The amendments to the specification overcome the informalities objection. The objection has been withdrawn.
2. Examiner's Note: The amendments to Claims 1, 11, 17, and 18 have overcome the 35 U.S.C. 112 second paragraph rejections. The rejections have been withdrawn.
3. Examiner's Note: The prior art rejections have been withdrawn as necessitated by Applicant's amendments.
4. Examiner's Note: The amendments to Claims 13-18 have overcome the 35 U.S.C. 101 rejections. The rejections have been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 2, 4-6, 8, 9, 11, 13, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzmaurice et al. (US 2004/0141015) in view of Frederiksen (US 6,570,596).

Claim 1: Fitzmaurice discloses a pen-mouse system, in which a glom widget menu is displayed when the widget is selected (page 3-page 4, paragraph 51), but does not explicitly disclose placing a glom widget near a current writing location or the menu has menu items that are associated with handwriting near the current writing location.

However, Fitzmaurice does disclose that the tracking menu (glom widget) follows the cursor, and remains stationary when moving the cursor inside the tracking menu (page 2, paragraph 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget could be placed near a writing location. One would have been motivated to place a glom widget near a current writing location so that movement across the tablet PC would be reduced. Frederiksen discloses a similar device for a glom widget that further discloses menu items that are associated with handwriting (letters, copy, paste; Figure 4, Figure 8) near the current writing location. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include menu items that are associated with handwriting in the menu near the current handwriting location in Fitzmaurice, because including menu items that are associated with handwriting was recognized as part of the ordinary capabilities of one skilled in the art.

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Claim 2: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claim 1 above, and Frederiksen further discloses determining the current writing location using a cursor (column 6, lines 48-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the current writing location in Fitzmaurice, because determining the current writing location was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 4: Fitzmaurice discloses a pen-mouse system as in Claim 1 above, but does not explicitly disclose placing the glom widget near the writing location further comprises placing the glom widget on a left side of the current writing location. However, Fitzmaurice does disclose that the tracking menu (glom widget) follows the cursor, and remains stationary when moving the cursor inside the tracking menu (page 2, paragraph 36). Also, Figures 28b and 28c disclose the positioning of the widget to the left of the cursor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget could be placed at the left side of a current writing location. One would have been motivated to place the widget on the left side of the current writing location for customization purposes.

Claim 5: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claim 2 above, and Frederiksen further discloses the menu comprises a set of contextual commands associated with writing (copy, paste, letters; Figure 4, Figure 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention

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was made to include a set of contextual commands associated with writing in the menu in Fitzmaurice, because including contextual commands in a menu was recognized as part of the ordinary capabilities of one skilled in the art.

Claims 6, 11, and 17: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claims 5, 9, and 14, but neither reference explicitly discloses the glom widget menu is customizable. However, customizing interface menus is common in the computer arts, and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the menu for the glom widget could be customized. One would have been motivated to customize the widget menu in Fitzmaurice in order to add additional operations that may be tailored towards user preferences for certain programs.

Claim 8: Fitzmaurice discloses a pen-mouse system comprising:

- a. display screen configured to receive user input from a pen (page 2, paragraph 36).
- b. displaying a glom widget menu when the glom widget is selected (page 3-page 4, paragraph 51).

Fitzmaurice does not explicitly disclose determining the current writing location.

Frederiksen discloses a similar device for a glom widget that further discloses determining the current writing location using a cursor (column 6, lines 48-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

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the invention was made to determine the current writing location in Fitzmaurice, because determining the current writing location was recognized as part of the ordinary capabilities of one skilled in the art.

Fitzmaurice discloses placing a glom widget near the current writing location, and Frederiksen further discloses providing access to commands associated with writing (copy, paste, letters; Figure 4, Figure 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide access to commands associated with writing in the menu in Fitzmaurice, because providing access to commands associated with writing was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 9: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claim 8 above, and Fitzmaurice further discloses:

a. placing the glom widget near the current writing location further comprises placing the glom widget such that user movement to access the glom widget is decreased as compared to accessing a corresponding command contained within a fixed menu (page 2, paragraph 36).

Claim 13: Fitzmaurice discloses a pen-mouse system, in which a glom widget menu is displayed when the widget is selected (page 3-page 4, paragraph 51), but does not explicitly disclose determining the current writing location or placing a glom widget near a current writing location. However, Fitzmaurice does disclose that the tracking menu

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(glom widget) follows the cursor, and remains stationary when moving the cursor inside the tracking menu (page 2, paragraph 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget can be placed near a writing location. One would have been motivated to place a glom widget near a current writing location so that movement across the tablet PC would be reduced. Frederiksen discloses a similar device for a glom widget that further discloses determining the current writing location using a cursor (column 6, lines 48-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the current writing location in Fitzmaurice, because determining the current writing location was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 14: Fitzmaurice discloses a pen-mouse system as in Claim 13 above, further comprising:

a. placing the glom widget such that user movement to access the glom widget is decreased as compared to accessing a corresponding command contained within a fixed menu (page 2, paragraph 36).

Claim 16: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claim 14 above, and Frederiksen further discloses the menu comprises a set of commands associated with writing (copy, paste, letters; Figure 4, Figure 8). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a set of commands associated with writing in the menu in Fitzmaurice,

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because including commands associated with writing in a menu was recognized as part of the ordinary capabilities of one skilled in the art.

7. Claims 3, 7, 10, 12, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzmaurice et al. (US 2004/0141015) in view of Frederiksen (US 6,570,596) and further in view of Kupka (US 7,055,110).

Claims 3, 10, and 15: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claims 2, 8, and 13 above, but neither reference explicitly discloses placing the glom widget near the current writing location further comprises placing the glom widget based on an input language being written. Kupka discloses a system and method for a common on screen zone for menu activation and stroke input that further comprises commands or actions that correspond to font characteristics and paragraph characteristics (column 5, lines 48-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget in Fitzmaurice could be placed based on an input language being written. One would have been motivated to place the widget based on an input language being written in order to provide custom options that correspond to the language being written.

Claims 7, 12, and 18: Fitzmaurice and Frederiksen disclose a pen-mouse system as in Claims 5, 9, and 13 above, but neither reference explicitly discloses changing an appearance of the glom widget when a user hovers over the glom widget for a predetermined period of time. However, Kupka discloses alternate menus can be

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activated by pressing and holding a stylus button down for a moment without movement, causing the on screen cursor to change and indicate an alternate action will be performed (column 7, lines 1-11). Additionally, hovering is a common technique in the computer arts, and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the appearance of the glom widget could change by performing an action for a predetermined amount of time. One would have been motivated to change the appearance of the glom widget when an action is performed for a predetermined period of time in order to provide visual cues to the user that a new event will occur.

Response to Arguments

8. Applicant's arguments with respect to Claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
9/06/2007


STEPHEN HONG
SUPERVISORY PATENT EXAMINER